

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:97-CR-00294

UNITED STATES OF AMERICA)
)
 v.)
)
SANDRA FLOYD and DENNIS FLOYD)
)

O R D E R

THIS MATTER comes before the Court upon Defendants’ letter to the Court that will be construed as a Motion for Amended Judgment (Document #488). Defendants Sandra Floyd and Dennis Floyd move this Court to issue an amended judgment reflecting the Floyd’s joint and several restitution obligation for \$27,500.00 and further ask that the Court attribute asset forfeiture funds to their restitution obligation. The Government does not object to a corrected judgment that establishes joint and several restitution, however, it does object to Defendants’ request that the Court order forfeiture funds applied to that restitution. After considering the parties’ arguments and the applicable case law, this Court grants Defendants’ request to amend its judgment to establish joint and several restitution. The Court declines, however, to grant Defendants’ request to apply asset forfeiture funds to their restitution obligation. Asset forfeiture and victim restitution serve two separate purposes, therefore, the Court will not allow Defendants to use forfeiture funds to satisfy their additional restitution obligation.

IT IS, THEREFORE, ORDERED that Defendants’ Motion for Amended Judgment (Document #488) is **GRANTED** in part and **DENIED** in part. The Clerk of Court is directed to enter an amended judgment that reflects a joint and several restitution obligation for \$27,500.00.

Signed: July 25, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

